

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA20071287

Wheel Services Group, Inc.  
2525 South Birch Street  
Santa Ana, California 92707

CONSENT ORDER

Health and Safety Code  
Section 25187

ID No.: CAT 080 033 020

Respondent.

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1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Wheel Services Group, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 2525 S. Birch Street, Santa Ana, California 92707 (Site).

1.3. Inspection. The Department inspected the Site on April 12, 2006.

1.4. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.5. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the

terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.6. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.7. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. On or about April 12, 2006, Respondent did violate title 22, California Code of Regulations, section 67450.3(c)(9) in that hazardous waste treatment was being conducted in a tank which was not equipped with secondary containment meeting the requirements of CCR, title 22, section 66265.193.

## 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

## 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required

to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

## 5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$2,500, of which \$2,500 is a penalty.

5.2. Respondent shall send two employees, who handle or oversee the handling, storage, treatment or disposal of hazardous waste, to the California Compliance School, Modules I-IV, and submit to the Department, within 185 days of the effective date of this Order, Certificates of Satisfactory Completion thereof for each attendee. Each Certificate of Satisfactory Completion shall indicate that the final exam

was passed.

5.3. If Respondent fails to submit the Certificates of Completion as provided in 5.2. above, Respondent shall pay an additional \$5,000 as penalty within 215 days of the effective date of this Order as set forth in 5.1. above.

5.4. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.5. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment

Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Charles A. McLaughlin, Chief  
State Oversight and Enforcement Branch  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

and

James J. Grace, Esq.  
Office of Legal Counsel  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200

5.6. If Respondent fails to make payment as provided above, Respondent

agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: February 14, 2007

Original signed by Gus Mauri  
Gus Mauri, General Manager  
Respondent

Gus Mauri  
Printed name and Title

Dated: February 26, 2007

Original signed by Maria Soria  
Maria Soria, Unit Chief  
State Oversight and Enforcement Branch  
Department of Toxic Substances Control